

EXHIBIT 28

Taylor, Richele

From: Taylor, Richele
Sent: Wednesday, March 14, 2018 12:00 PM
To: Wagner, Steven (ACF)
Subject: RE: Letter from Governor McMaster
Attachments: 2018-03-13 FILED Executive Order No. 2018-12.pdf

Yes sir. It references that we have requested a federal waiver. We have State language in the statutes/regulations that we wanted to address.

I have attached a copy if you would like it for your files.

Richele



Richele K. Taylor
Chief Legal Counsel
Office of the Governor
State House
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Columbia, South Carolina 29201
(O) 803.731.8465
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From: Wagner, Steven (ACF) [REDACTED]
Sent: Wednesday, March 14, 2018 11:56 AM
To: Taylor, Richele [REDACTED]
Subject: RE: Letter from Governor McMaster

I see the Governor has already issued his Executive Order.

From: Taylor, Richele [REDACTED]
Sent: Wednesday, March 14, 2018 10:44 AM
To: Wagner, Steven (ACF)
Subject: RE: Letter from Governor McMaster

Understood. I appreciate the estimate. Thank you,

Richele



Richele K. Taylor
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From: Wagner, Steven (ACF) [REDACTED]
Sent: Wednesday, March 14, 2018 10:31 AM
To: Taylor, Richele [REDACTED]
Subject: RE: Letter from Governor McMaster

I expect the draft to come out of ACF tomorrow. However, there will be substantial Departmental participation in wordsmithing, so I am reluctant to articulate a firm date. Week of March 26? Please know I am pushing this hard, because I appreciate the level of interest in SC. All the best, regards to the Governor,
Steve Wagner

From: Taylor, Richele [REDACTED]
Sent: Monday, March 12, 2018 10:21 AM
To: Wagner, Steven (ACF)
Subject: RE: Letter from Governor McMaster

Acting Assistant Secretary Wagner,

Thank you for the response below. The Governor has asked if we might know an estimated timeframe of when can expect a response? This has been a huge issue for many in our state and we receive calls each day. We are making sure that we provide an accurate response.

Thank you,

Richele



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From: Wagner, Steven (ACF) [REDACTED]
Sent: Thursday, March 01, 2018 12:17 PM
To: Taylor, Richele [REDACTED]
Subject: RE: Letter from Governor McMaster

Please advise the Governor that his letter will be carefully and expeditiously considered. Best regards,
Steve

From: Taylor, Richele [REDACTED]
Sent: Tuesday, February 27, 2018 3:34 PM
To: Wagner, Steven (ACF)
Subject: Letter from Governor McMaster

Acting Assistant Secretary Wagner,

Attached please find correspondence from Governor McMaster. A hard copy will also be mailed.

Regards,
Richele Taylor



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State of South Carolina
Executive Department

FILED

MAR 13 2018

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2018-12

WHEREAS, government at any level should not and shall not penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of one's religious identity and sincerely held beliefs; and

WHEREAS, faith-based organizations may retain their religious character and participate in government programs, provided that public funds are not used to directly subsidize or support religious worship activities; and

WHEREAS, the foregoing rights are guaranteed by, *inter alia*, the First Amendment to the United States Constitution and article I, section 2 of the South Carolina Constitution, both of which provide that there shall be no laws prohibiting the free exercise of religion, abridging the freedom of speech, or inhibiting the corresponding right to associate with others; and

WHEREAS, the rights of faith-based organizations to exercise religious beliefs while participating in government are also protected by the South Carolina Religious Freedom Act of 1999 ("RFA"), codified in sections 1-32-10 through -60 of the South Carolina Code of Laws, which provides, in relevant part, that "[t]he State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability," unless the burden furthers a compelling state interest and is applied in the least restrictive means of furthering that interest; and

WHEREAS, pursuant to article IV, section 15 of the South Carolina Constitution, the Governor "shall take care that the laws be faithfully executed," which includes ensuring the free exercise of religion as guaranteed by the South Carolina Constitution and upholding religious liberty under the RFA; and

Executive Order 2018-12
Page 2
March 13, 2018

WHEREAS, the licensing and participation of faith-based organizations in South Carolina's foster-care system is a long-standing and constitutionally permissible practice; and

WHEREAS, the South Carolina Department of Social Services ("DSS"), which is part of the Governor's Cabinet, oversees the State's foster-care program and, as such, licenses Child Placing Agencies ("CPAs"); and

WHEREAS, pursuant to section 114-550 of the South Carolina Code of Regulations, CPAs are defined, in pertinent part, as "any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement and . . . retain[s] their own system of foster homes"; and

WHEREAS, sections 114-4910 through -4980 of the South Carolina Code of Regulations govern the licensing and administration of CPAs; and

WHEREAS, CPAs may be secular or non-secular and are separate private, non-governmental entities that recruit, retain, and support current and prospective foster-care families in South Carolina, thereby fulfilling a crucial need for the State and providing a critical service to the children of South Carolina; and

WHEREAS, DSS licenses many CPAs and provides a variety of CPA options from which foster parents may choose; and

WHEREAS, the State has no compelling interest in limiting faith-based organizations' participation as CPAs; and

WHEREAS, faith-based CPAs associate foster parents and homes who share the same faith and should not be asked to compromise sincerely held religious beliefs in recruiting, training, and retaining foster parents; and

WHEREAS, separate and apart from the association of foster parents by CPAs, under federal and state law, CPAs must assist *any children in foster care* without regard to their religious beliefs; and

WHEREAS, to the extent DSS receives funding from the United States Department of Health and Human Services ("DHHS") or otherwise participates in the Federal Foster Care Program, the undersigned has requested that DHHS not exclude faith-based CPAs and grant DSS a formal deviation from DHHS policy in recognition of the foregoing rights and considerations and in accordance with the Religious Freedom Restoration Act of 1993 ("RFRA"), codified as amended at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4; and

WHEREAS, religious observers and organizations should not be required to sacrifice the tenets of their faith to serve the children of South Carolina, particularly where, as here, doing so would not serve or further any identifiable or compelling state interest.

Executive Order 2018-12
Page 3
March 13, 2018

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, to the fullest extent permitted by state and federal law, I direct that DSS shall not deny licensure to faith-based CPAs solely on account of their religious identity or sincerely held religious beliefs. Further, I hereby direct DSS to review and revise its policies and manuals in accordance with this Order and ensure that DSS does not directly or indirectly penalize religious identity or activity in applying sections 114-550 or 114-4910 through -4980 of the South Carolina Code of Regulations with regard to Licensure for Foster Care.

In furtherance of the foregoing rights, principles, and considerations, all Cabinet agencies, including all boards and commissions that are part of, comprised within, or under the jurisdiction of a Cabinet agency, are hereby directed to review their policies, procedures, and regulations to ensure that the same do not directly or indirectly penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of religious identity or beliefs. It is further advised that executive agencies not in the undersigned's Cabinet or otherwise subject to the undersigned's direct authority shall likewise act in accordance with this Order and the foregoing directives.

This Order is effective immediately.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 13th DAY OF
MARCH, 2018.

A handwritten signature in black ink, appearing to read "Henry McMaster", written over a horizontal line.

HENRY MCMASTER
Governor

A handwritten signature in black ink, appearing to read "Mark Hammond", written over a horizontal line.

MARK HAMMOND
Secretary of State